

November 30, 2010 12:01 PM

TRACEY CORDES, CLERK

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: aid / SCANNED BY: AD 11-30

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

COMPX INTERNATIONAL INC. and)	
WATERLOO FURNITURE COMPONENTS)	
LTD. d/b/a COMPX WATERLOO)	
)	
Plaintiffs,)	
v.)	CASE NO. _____
)	
HUMANSIZE CORP.)	
)	JURY TRIAL DEMANDED
Defendant.)	
_____)	

1:10-cv-1179**Robert J. Jonker
U.S. District Judge**

**COMPLAINT FOR DECLARATORY JUDGMENT OF
NON-INFRINGEMENT AND PATENT INVALIDITY**

Plaintiffs, CompX International Inc. and Waterloo Furniture Components Limited d/b/a CompX Waterloo (collectively "CompX"), seek a declaratory judgment against Defendant Humansize Corporation ("Humansize"), that U.S. Patent No. 7,841,569 ("the '569 Patent") is not-infringed by CompX and is invalid. A copy of the Issue Notification and claims as allowed in the '569 Patent is attached to the Complaint as Exhibit A. A copy of the publication of the application leading up to the '569 Patent is attached to the Complaint as Exhibit B. CompX further seeks a declaratory judgment against Humansize that U.S. Patent No. 7,841,570 ("the '570 Patent") is not infringed by CompX and is invalid. A copy of the Issue Notification and claims as allowed in the '570 Patent is attached to the Complaint as Exhibit C. A copy of the publication of the application leading up to the '570 Patent is attached to the Complaint as Exhibit D. CompX further states:

THE PARTIES

1. CompX International Inc. is a Delaware corporation with its principal place of business located at 5430 LBJ Freeway, Suite 1700, Dallas, Texas 75240.

2. Waterloo Furniture Components Limited d/b/a CompX Waterloo is a wholly-owned Canadian subsidiary of CompX International Inc. with its principal place of business in the United States located at 1250 84th St. S.W., Byron Center, MI 49315.

3. The principal office of the President of CompX Waterloo and Vice-President of CompX International Inc. is located at 1250 84th St. S.W., Byron Center, MI 49315.

4. Upon information and belief, Humanscale Corporation is a New York corporation with its principal place of business located at 11 East 26th Street, 8th floor, New York, New York 10010.

5. Upon information and belief, Humanscale Corporation is/has done business in the State of Michigan and within the Western District of Michigan, and is/has been engaged in systematic and continuous business within the Western District of Michigan.

BACKGROUND

6. U.S. Patent No. 7,841,569, entitled “Keyboard Support Mechanism” issued on November 30, 2010.

7. Upon information and belief, Humanscale is the assignee of U.S. Patent No. 7,841,569 to Mileos et al.

8. U.S. Patent No. 7,841,570, entitled “Keyboard Support Mechanism” issued on November 30, 2010.

9. Upon information and belief, Humanscale is the assignee of U.S. Patent No. 7,841,570 to Mileos et al.

JURISDICTION AND VENUE

10. This court has jurisdiction over the subject matter of this action pursuant to 28 USC §§ 1331, 1338, 2201, and 2202.

11. Humanscale is subject to personal jurisdiction in this judicial district based on its regular conduct of business within the district and because it threatened to bring an infringement suit against the President of CompX Waterloo and Vice-President of CompX International Inc., whose office is located within this district.

12. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c) based on Humanscale's presence within this jurisdiction and its allegations of infringement to CompX International Inc., which is a resident of this jurisdiction.

COUNT I – DECLARATORY JUDGMENT FOR NON-INFRINGEMENT OF THE ‘569 PATENT

13. CompX realleges and incorporates by reference each of the allegations of paragraphs 1 through 12 above.

14. Upon information and belief, through Humanscale's threats of a lawsuit, Humanscale alleges that CompX infringes the ‘569 Patent.

15. CompX has not infringed and does not infringe, directly or indirectly, literally or under the doctrine of equivalents, any valid claim of the ‘569 Patent.

16. A declaration by this Court establishing CompX's non-infringement of Humanscale's ‘569 Patent is reasonably calculated to prevent needless additional litigation in this jurisdiction between CompX and Humanscale.

COUNT II - DECLARATORY JUDGMENT OF INVALIDITY OF THE ‘569 PATENT

17. CompX realleges and incorporates by reference each of the allegations of paragraphs 1 through 16 above.

18. The ‘569 Patent is invalid under one or more of the provisions in Title 35 of the United States Code, including §§ 102, 103, and 112.

19. A declaration by this Court establishing that Humanscale's '569 Patent is invalid is reasonably calculated to prevent needless additional litigation in this jurisdiction between CompX and Humanscale.

**COUNT I – DECLARATORY JUDGMENT FOR
NON-INFRINGEMENT OF THE '570 PATENT**

20. CompX realleges and incorporates by reference each of the allegations of paragraphs 1 through 19 above.

21. Upon information and belief, through Humanscale's threats of a lawsuit, Humanscale alleges that CompX infringes the '570 Patent.

22. CompX has not infringed and does not infringe, directly or indirectly, literally or under the doctrine of equivalents, any valid claim of the '570 Patent.

23. A declaration by this Court establishing CompX's non-infringement of Humanscale's '570 Patent is reasonably calculated to prevent needless additional litigation in this jurisdiction between CompX and Humanscale.

COUNT II - DECLARATORY JUDGMENT OF INVALIDITY OF THE '570 PATENT

24. CompX realleges and incorporates by reference each of the allegations of paragraphs 1 through 23 above.

25. The '570 Patent is invalid under one or more of the provisions in Title 35 of the United States Code, including §§ 102, 103, and 112.

26. A declaration by this Court establishing that Humanscale's '570 Patent is invalid is reasonably calculated to prevent needless additional litigation in this jurisdiction between CompX and Humanscale.

PRAYER FOR RELIEF

WEREFORE, CompX respectfully prays that judgment be entered in its favor and against

Humanscale as follows:

- A. Enter a declaratory judgment that CompX does not infringe and has not infringed, directly or indirectly, literally or under the doctrine of equivalents, any valid claim of the '569 Patent;
- B. Enter a declaratory judgment that the claims of the '569 Patent are invalid;
- C. Enter a declaratory judgment that CompX does not infringe and has not infringed, directly or indirectly, literally or under the doctrine of equivalents, any valid claim of the '570 Patent;
- D. Enter a declaratory judgment that the claims of the '570 Patent are invalid;
- E. Award CompX its attorney fees and costs incurred defending against Humanscale's allegations of infringement pursuant to 35 U.S.C. § 285; and
- F. Award such other relief as it may deem proper and just.

JURY DEMAND

CompX hereby demands a trial by jury of all issues triable by a jury in this action.

Respectfully submitted,

Date: November 30, 2010

By: 

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